

**FORTY-FOURTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 22, 2005**

House of Representatives

The House convened at 10:45 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Representative McKague.

The Pledge of Allegiance was led by Tabitha Grad, Page.

Approval of Journal

February 22, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-third Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

February 21, 2005

Mr. Speaker:

I transmit herewith **S 1030**, **S 1091**, and **S 1065** which have passed the Senate.

WOOD, Secretary

S 1030, **S 1091**, and **S 1065** were filed for first reading.

February 21, 2005

Mr. Speaker:

I return herewith **HCR 6** which has passed the Senate.

WOOD, Secretary

HCR 6 was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 22, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 250**, **H 251**, **H 252**, **H 253**, and **H 254**.

FIELD(18), Chairman

H 250 was referred to the Health and Welfare Committee.

H 251, **H 252**, **H 253**, and **H 254** were referred to the Revenue and Taxation Committee.

February 21, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 29** and **H 31**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 29** and **H 31**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 21, 2005

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 136**, **H 137**, **H 140**, **H 141**, **H 161**, and **H 200** and recommend that they do pass.

BLACK, Chairman

H 136, **H 137**, **H 140**, **H 141**, **H 161**, and **H 200** were filed for second reading.

February 21, 2005

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 139** and report it back with amendments attached to be placed on General Orders for consideration.

BLACK, Chairman

H 139 was placed on General Orders for consideration.

February 21, 2005

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 92** and **H 229** and recommend that they do pass.

STEVENSON, Chairman

H 92 and **H 229** were filed for second reading.

February 21, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 128**, **H 155**, **H 204**, **H 205**, **H 206**, and **H 207** and recommend that they do pass.

FIELD(18), Chairman

H 128, **H 155**, **H 204**, **H 205**, **H 206**, and **H 207** were filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

S 1030, by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the

Business Committee.

S 1091, by Transportation Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

S 1065, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 16, **H 17**, and **H 18**, by Education Committee, were read the second time by title and filed for third reading.

H 183, by Transportation and Defense Committee, was read the second time by title and filed for third reading.

S 1059, by Judiciary and Rules Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 111 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall **H 111** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Bedke, Edmunson. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 111** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 113 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall **H 113** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Martinez. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 113** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 115 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Chadderdon to open debate.

The question being, "Shall **H 115** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 68.

NAYS -- McKague, Wood. Total -- 2.

Absent and excused -- None.

Total -- 70.

Whereupon the Speaker declared **H 115** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 122 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Black to open debate.

The question being, "Shall **H 122** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, Loertscher, Martinez, Mathews, McGeachin, Miller, Mitchell, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Roberts, Rusche, Rydalch, Sayler, Shepherd(2), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 59.

NAYS -- Barrett, Crow, Hart, LeFavour, McKague, Moyle, Ringo, Sali, Schaefer, Shepherd(8), Wood. Total -- 11.

Absent and excused -- None.

Total -- 70.

Whereupon the Speaker declared **H 122** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 147 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood to open debate.

The question being, "Shall **H 147** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 70.

Whereupon the Speaker declared **H 147** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 187 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bilbao to open debate.

The question being, "Shall **H 187** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bedke, Bilbao, Black, Block, Boe, Bolz, Cannon, Chadderdon, Collins, Crow, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, Mathews, McKague, Miller, Mitchell, Nielsen, Nonini, Pasley-Stuart, Pence,

Raybould, Ring, Ringo, Rusche, Rydalch, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 57.

NAYS -- Bayer, Bell, Bradford, Clark, Harwood, Loertscher, McGeachin, Moyle, Roberts, Sali, Smith(24), Stevenson. Total -- 12.

Absent and excused -- Deal. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 187** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 184 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall **H 184** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Crow, Deal, Moyle. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 184** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 181 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts to open debate.

The question being, "Shall **H 181** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen,

Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Crow, Deal, Moyle. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 181** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 176 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Barraclough and Mrs. Smith(30) to open debate.

The question being, "Shall **H 176** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Field(18). Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 176** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 33 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Jones to open debate.

The question being, "Shall **H 33** pass?"

Roll call resulted as follows:

AYES -- Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Black, Block, Bolz, Bradford, Cannon, Collins, Crow, Deal, Denney, Field(18), Field(23), Garrett, Harwood, Henderson, Jones, Kemp, Lake, Loertscher, Mathews, McGeachin, Mitchell, Moyle, Nielsen, Nonini, Pence, Raybould, Ring, Roberts, Rydalch, Sali, Schaefer, Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 49.

NAYS -- Anderson, Bilbao, Boe, Chadderdon, Clark, Ellsworth, Eskridge, Hart, Henbest, Jaquet, LeFavour, Martinez, McKague, Miller, Pasley-Stuart, Ringo, Rusche, Sayler, Shepherd(2), Trail. Total -- 20.

Absent and excused -- Edmunson. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 33** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

SCR 106 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Lake to open debate.

The question being, "Shall **SCR 106** be adopted?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Denney, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Deal, Edmunson. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **SCR 106** adopted and ordered the resolution returned to the Senate.

H 41 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Ring to open debate.

The question being, "Shall **H 41** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Edmunson. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 41** passed the House.

Title was approved and the bill was ordered transmitted to the Senate.

ATTEST:

PAMM JUKER, Chief Clerk

HJM 3 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Martinez to open debate.

The question being, "Shall **HJM 3** be adopted?"

Whereupon the Speaker declared **HJM 3** adopted by voice vote and ordered the memorial transmitted to the Senate.

H 150 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Jones to open debate.

The question being, "Shall **H 150** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- Crow. Total -- 1.

Absent and excused -- Edmunson. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 150** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:45 a.m., Wednesday, February 23, 2005. Seconded by Mr. Sayler. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:04 p.m.

BRUCE NEWCOMB, Speaker